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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NOS : 26442 of 2003 & 26469 of 2003

1) W.P.NO.26442 OF 2003:

Between:

1 V.Showryulu, S/o Vipparla Rathnamu,
Gr.II Telugu Pandit, Saint Pauls High School, Phirangipuram, Guntur District.
2 A.Sarada Varaprasad, S/o Satyanarayana Sharma
Gr.II Telugu Pandit, S.K.V.High School, Kuchipudi, Amruthaluru Mandal, Guntur District.
3 M.Sailaja, D/o Anjaiah
Gr.II Telugu Pandit, S.K.V.High School, Kuchipudi, Amruthaluru Mandal, Guntur District.
4 N.Rajani Kumari, D/o N.Bhagavannarayana
Gr.II Hindi Pandit, Sri Tilak National U.P.School, Kavuru, Cherukupalli Mandal, Guntur District.
5 K.Venkata Subbamma, D/o Anjaiah
Gr.IITelugu Pandit, Sri Tilak National U.P.School, Kavuru, Cherukupalli Mandal, Guntur District.
6 Y.Bhaskara Reddy, S/o Venkateswara Reddy,
Gr.II Telugu Pandit, Saint Mary's High School, Pedaparimi, Guntur District.
7 S.Rathna Kumari, D/o S.Sivarama Prasad,
Gr.II Hindi Pandit, M.N.M.High School, Gudavalli, Cherukupalli Mandal, Guntur District.
8 B.Vijayalakshmi, D/o B.S.L.N.Acharyulu,
Gr.II Hindi Pandit, V.P.& G.S.M.High School, Surepalli, Bhattiprolu Mandal, Guntur District.
9 V.Vijayalakshmi, D/o V.Sriramamurthy
Gr.II Telugu Pandit, V.P. & G.S. M. High School, Surepalli, Bhattiprolu Mandal, Guntur District.
10 S.Shivakumar, D/o S.Venkata rathnam
Gr.I Hindi Pandit, T.M.Rao, High School, Bhattiprolu, Guntur Dist.,

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep., by its Secretary, Education Department, Secretariat,Hyderabad.
2 The Commissioner and Director of School Education, A.P.,Hyderabad.
3 The District Educational Officer, Guntur District.
4 The Audit Officer, District Local Fund Audit, Guntur District.
5 The Correspondent, Saint Pauls High School, Phirangipuram, Guntur District.
6 The Correspondent, S.K.V.High School, Kuchipudi, Amruthaluru Mandal, Guntur District.
7 The Correspondent, Sri Tilak National U.P.School, Kavuru, Cherukupalli Mandal, Guntur District.
8 The Correspondent, Saint Mary's High School, Pedaparimi, Guntur District.
9 The Correspondent, M.N.M.High School, Gudavalli, Cherukupalli Mandal, Guntur District.
10 The Correspondent, V.P. & G.S.M.High School, surepalli, Bhattiprolu Mandal, Guntur District.
11 The Correspondent, T.M.Rao High School, Bhattiprolu, Guntur Dist.,

.....RESPONDENTS

2) W.P.NO.26469 OF 2003

1. A.M.Lakshmanacharry, S/o.A.M.Ch.Krishnamacharry, Grade.II-Telugu Pandit, Jagruti Vidyalaya High School, Sriramnagar, Nalgonda District **……Petitioner**

Vs.

1.The government of Andhra Pradesh, rep. By its Secretary, Education Department, Secretariat, Hyderabad.

2. The Commissioner & Director of School Education, A.P., Hyderabad

3. The District Educational Officer, Nalgonda District.

4. The Audit Officer, District Local Fund Audit, Nalgonda District

5. The Correspondent, Jagruti Vidyalaya High School, Sriram Nagar, Nalgonda District.

…….**Respondents**

W.P.NOS.26442 & 26469 OF 2003: (Common prayer)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not extending the benefit of G.O.Ms.No.330, dated 10-08-1983 as illegal, improper, unjust and arbitrary and in clear discrimination and further direct the respondents to extend the benefit of G.O.Ms.No.330, dated 10-08-1983 as per the judgment in W.P.NO.26260 of 2000 dated 12-09-2003 & batch without reference to the cut off date forthwith with all consequential benefits including monetary and seniority

1) W.P.26442 OF 2003:

Counsel for the Petitioner:MR.K. Umapathy

Counsel for the Respondent Nos. 1 to 4: GP FOR SCHOOL EDUCATION

Counsel for respondent Nos.5 to 11 : None appeared

2) W.P.26469 of 2003:

Counsel for the petitioners: Mr. G.SEENA KUMAR

Counsel for the respondent Nos. 1 to 4: G.P. FOR SCHOOL EDUCATION

Counsel for respondent No.5: None appeared

The Court made the following :

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NOS.26442 & 26469 OF 2003

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COMMON O R D E R:

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As the issue raised in these two writ petitions is one and the same, at the instance of both the learned counsel, these writ petitions are being disposed of by a common order.

The facts of the case in brief are that the petitioner in W.P.No.26469 of 2003 is having the required qualification of Grade-I Telugu Pandit training. On 01.03.1987 he was initially appointed as Grade-II Telugu Pandit. The petitioners in W.P.No.26442 of 2003 who acquired the required qualification of Grade-I Pandit Course in the concerned languages were appointed as Grade-II Pandits in High Schools and Upper Primary Schools. The case of the petitioners is that as they possessed the qualification of Grade-I Pandit Training, they are entitled for the benefit of G.O.Ms.No.330, Education, dated 10.08.1983 from the date of their appointment or from the date of the qualification, whichever is earlier. It is the case of the petitioners that on an earlier occasion, similar plea of Grade-I Language Pandits was allowed by the Tribunal in R.P.No.2158 of 1986 and the same was also confirmed by the Andhra Pradesh Appellate Tribunal in O.A.No.603 of 1999 and batch, dated 21.06.2000. As the respondent authorities failed to implement the orders passed by the Appellate Tribunal, the appellants therein filed W.P.No.16971 of 1999 and batch before this Court and this Court directed the respondents to implement the orders of the Appellate Tribunal. In spite of the directions of this Court, the respondents did not consider the case of the petitioners therein. Hence, they filed a contempt case in C.C.No.123 of 2000 before this Court. After filing of such a contempt case, their case was considered by the respondents. It is also the case of the petitioners that as the issue of sanctioning Grade-I Scale to Grade-II Language Pandits has attained finality, all the Grade-II Language Pandits are entitled to Grade-I Scale, if they are otherwise eligible. As the matter stood thus, the 1st respondent

instead of extending the benefit of G.O.Ms.No.330, dated 10.08.1983 to the petitioners herein, issued G.O.Ms.No.176, dated 22.12.2000 cancelling the earlier G.O.No.330, dated 10.08.1983, which was clarified by the 2nd respondent vide proceedings in R.C.No.128/G1/98, dated 23.12.2000 stating that G.O.Ms.No.176, dated 22.12.2000 will come into force with prospective effect. Hence, these writ petitions are filed.

The learned counsel for the petitioners brought to my notice a judgment of a Division Bench of this Court in W.P.Nos. 26260 of 2000 and batch, dated 12.09.2003, wherein their Lordships of this Court decided the similar issue in favour of the petitioners therein and as the present writ petitions are squarely covered by the decision of a Division Bench of this Court, following the said judgment, similar orders may be passed in the present writ petitions also.

The learned counsel for the respondents submits that against the judgment of a Division Bench of this Court, the State preferred an appeal before the Supreme Court and the same was dismissed and decided in favour of the petitioners therein.

In view of the facts and circumstances of the case, these two writ petitions are disposed of in terms of the judgment of this Court in W.P.No.26260 of 2000 and batch, dated 12.09.2003. No order as to costs.

06.08.2004

tjs/**kvr** ..... REGISTRAR

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SECTION OFFICER

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